

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

PUBLIC VERSION

WACO DIVISION

WEBROOT, INC. and
OPEN TEXT, INC.,

Plaintiffs,

v.

CROWDSTRIKE, INC., and
CROWDSTRIKE HOLDINGS, INC.,

Defendants.

Case No. 6:22-cv-00241-ADA-DTG

JURY TRIAL DEMANDED

CROWDSTRIKE, INC.,

Counterclaim-Plaintiff,

v.

WEBROOT, INC. and
OPEN TEXT, INC.,

Counterclaim-Defendants.

**DECLARATION OF JONATHAN TSE IN SUPPORT OF CROWDSTRIKE'S REPLY IN
SUPPORT OF ITS MOTION FOR INTRA-DISTRICT TRANSFER OF VENUE TO THE
AUSTIN DIVISION OF THE WESTERN DISTRICT OF TEXAS**

I, Jonathan Tse, declare as follows:

1. I am an attorney at the law firm Quinn Emanuel Urquhart & Sullivan, LLP, and counsel for Defendants CrowdStrike, Inc. and CrowdStrike Holdings, Inc. (“Defendants” or “CrowdStrike”) in this case. I submit this declaration in support of CrowdStrike’s Reply in Support of its Motion for Intra-District Transfer of Venue. I make this declaration of my own personal knowledge and if called to testify, I could and would competently testify hereto under oath.

2. Attached hereto as **Exhibit 43** is a true and correct copy of excerpts of Plaintiffs’ and Counterclaim-Defendants’ Third Supplemental Objections and Responses to CrowdStrike’s First Set of Interrogatories (Nos. 1-4), served on November 7, 2022.

3. Attached hereto as **Exhibit 44** is a true and correct copy of excerpts of the transcript from the deposition of Mr. Paul Loomis, dated November 18, 2022.

4. Attached hereto as **Exhibit 45** is a true and correct copy of the LinkedIn profile for Marty Lourens.

5. Attached hereto as **Exhibit 46** is a true and correct copy of the LinkedIn profile for David Petrini.

6. Attached hereto as **Exhibit 47** is a true and correct copy of the LinkedIn profile for Steven Sprinkle.

7. Attached hereto as **Exhibit 48** is a true and correct copy of the LinkedIn profile for John Adair.

8. Attached hereto as **Exhibit 49** is a true and correct copy of the LinkedIn profile for Mark Berrier.

9. Attached hereto as **Exhibit 50** is a true and correct copy of the LinkedIn profile for Bruce Johnson.

10. Attached hereto as **Exhibit 51** is a true and correct copy of excerpts of Plaintiffs' and Counterclaim-Defendants' Objections and Responses to CrowdStrike's Second Set of Requests for Production (Nos. 8-10), served on October 26, 2022.

11. Attached hereto as **Exhibit 52** is a true and correct copy of a webpage on CrowdStrike's website, titled "CrowdStrike Reports Third Quarter Fiscal Year 2023 Financial Results," published on November 29, 2022 and available at <https://ir.crowdstrike.com/news-releases/news-release-details/crowdstrike-reports-third-quarter-fiscal-year-2023-financial> (last accessed on Jan. 6, 2023).

12. Attached hereto as **Exhibit 53** is a true and correct copy of a Google Flights webpage indicating that on January 4, 2023, there are non-stop flights from San Jose, California to Austin, Texas.

13. Attached hereto as **Exhibit 54** is a true and correct copy of a Google Flights webpage indicating that on January 4, 2023, there are non-stop flights from Los Angeles, California to Austin, Texas.

14. Attached hereto as **Exhibit 55** is a true and correct copy of a Google Flights webpage indicating that on January 4, 2023, there are non-stop flights from San Diego, California to Austin, Texas.

15. Attached hereto as **Exhibit 56** is a true and correct copy of a Google Flights webpage indicating that on January 4, 2023, there are non-stop flights from Chicago, Illinois to Austin, Texas.

16. Plaintiffs have asserted a total of 15 patents across all the CRSR Related Cases. Plaintiffs have asserted 12 of those patents against CrowdStrike. Only 5 patents overlap for all the CRSR Related Cases. Even for the overlapping patents, Plaintiffs have asserted different claims against different products in each case.

17. The co-defendants in the CRSR Related Cases have counterclaimed 21 different patents against Plaintiffs and accused different products, such as Zix products. *See Webroot, Inc. v. Forcepoint LLC*, No. 6:22-cv-342-ADA, Dkt. 79 at 5, 6 (W.D. Tex.).

18. Four of the five co-defendants in the CRSR Related Cases have filed motions to transfer. Dkt. 56; *Webroot, Inc. v. Trend Micro, Inc.*, No. 6:22-cv-239-ADA, Dkt. 59 (W.D. Tex.); *Webroot, Inc. v. Sophos LTD*, No. 6:22-cv-240-ADA, Dkt. 86 (W.D. Tex.); *Webroot, Inc. v. Forcepoint LLC*, No. 6:22-cv-342-ADA, Dkt. 42 (W.D. Tex.).

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct to the best of my knowledge.

Executed on this 6th day of January 2023, at San Francisco, California

/s/ Jonathan Tse
Jonathan Tse